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**Chris Smalls**  
*President*

February 21, 2024

**Michelle Valentin-Nieves**  
*Vice President*

**Claudia Asherman**  
*Recording-Secretary*

**Wilhelmeina Shuler**  
*Secretary-Treasurer*

**RE: Request for Emergency Injunction and Protection of Democratic Processes in ALU**

**Dear Honorable Judge Ann M. Donnelly,**

I am writing to you as Michelle Valentin-Nieves, serving in the capacity of Vice President of the Amazon Labor Union (ALU). It is with a heavy heart and deep concern for the principles of justice and democratic governance within our union that I bring to your attention a series of actions undertaken by certain individuals within the ALU that not only threaten the foundational democratic processes of our organization but also seek to undermine my role and voice as a dissident officer.

Despite my position and responsibilities, I have been systematically excluded from critical discussions and decisions, most notably in relation to case # 23-5261 (Dr. Brima Sylla vs. Amazon Labor Union and Chris Smalls). This exclusion appears to be part of a broader scheme to silence dissent and manipulate the union's governance processes, thereby disenfranchising our members and potentially misleading this honorable court.

I wish to highlight a specific issue concerning the settlement agreement related to the case. As an officer of the ALU, I was unexpectedly informed that I could not attend the hearing merely 24 hours before its schedule. Furthermore, President Smalls and the Reform Caucus are not adhering to the January 5<sup>th</sup>, 2024 settlement agreement.

This violation was further compounded by misleading communication regarding the purpose of a mass membership meeting which was sent to the membership at large via email on February 16<sup>th</sup>, 2024. The notice for this meeting, which was issued as a 10 ten day notice instead of our 30-day rule, failed to disclose its true intent—namely, the conducting of “elections” and stated rather that the mass membership meeting was about a “contract fight”. This misrepresentation was corrected on February 21, 2024 only after I took steps to inform our members of the breach of our constitution and bylaws through email on February 19<sup>th</sup>, 2024 and a public channel (Facebook Live).

Moreover, the constitution and bylaws of the ALU explicitly prohibit the amendment of these documents without adherence to a strict procedure that includes a written proposal from at least one hundred members in good standing, to be submitted well in advance of any meeting at which such amendments would be considered. The recent actions of the ALU and its Reform Caucus not only disregard these stipulations but also set a dangerous precedent that, if unchecked, could severely compromise the integrity of our union's democratic governance.

In light of these developments, I respectfully request that this court grant an emergency injunction to halt these unconstitutional actions and protect the democratic processes that are the lifeblood of the

Amazon Labor Union 8000 members. I fear that without swift judicial intervention, the potential for irreparable harm to our union and its members is imminent.

Attached, please find exhibits that substantiate my claims of a concerted effort to suppress dissent and manipulate the democratic mechanisms of our union. It is not with litigious intent but rather a plea for justice and fairness that I turn to this court, armed not with extensive legal representation or resources but with evidence, the plain language of our governing constitution and bylaws, and an unwavering commitment to the truth and democratic principles.

I am at the court's disposal for any further information or clarification that may be required and eagerly await your guidance on how best to proceed in safeguarding the rights and voices of all ALU members.

Thank you for considering this urgent matter. I trust in the court's wisdom and commitment to justice to address these grave concerns.

Sincerely,



Michelle Valentin-Nieves  
Vice President, Amazon Labor Union  
80 Norwood Avenue  
Staten Island NY, 10304  
Tel: 646.676.8304

# Exhibit A

## Exhibit F



# LABOR UNION

## CONSTITUTION AND BY-LAWS

2021

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## **Article 1 - Name & Nature**

### **Section 1.1 - Name**

This organization shall be known as the **AMAZON LABOR UNION**.

### **Section 1.2 - Operation**

This organization shall not operate for profit.

### **Section 1.3 - Headquarters**

The principal office of this Union shall be determined by the Executive Board. The executive board may change the location of the principal office. The Executive Board may also establish and maintain other offices at other locations.

### **Section 1.4 - Jurisdiction**

The jurisdiction of this Union shall be all employees of Amazon.com, Inc., it's subsidiaries, affiliates, or otherwise any employee whose circumstances and well-being are substantially connected to or affected by the business practices of Amazon.com, Inc.

### **Section 1.5 - Objectives**

- (a). To improve the wages, benefits, working conditions, terms of employment, job security, and general welfare of its members and other workers.
- (b). To organize unorganized workers.
- (c). To be the mechanism by which our communities reclaim the stability and prosperity that has been extracted by exploitative business practices.
- (d). To encourage all AMAZON LABOR UNION members without regard to race, creed, color, national origin, sex, gender identity, sexual orientation, or ancestry to share equally in the full benefits of union organization.
- (e). To form an organization whose pillars are democracy, solidarity, and mutual aid.



(f). To provide our members the tools and the courage to live their dreams and achieve their real potential.

(g). To protect this Union from any and all corrupt influences and from undermining efforts of those who are opposed to the basic principles of our democracy and free and democratic unionism.

(h). To safeguard the democratic character of the labor movement.

(i). To advance the interests of the membership of the Union in the improvement of general economic and social conditions through engaging in legislative, political, education, civil, welfare, and other appropriate activities.

#### **Section 1.6 - Charter**

This Union is established and shall exist pursuant to this Constitution, and the Union shall at all times be subject to the Constitution, rules, regulations, policies, practices, lawful orders and decisions of said Union.

## **Article 2 - Membership**

### **Section 2.1 - Eligibility for Membership**

- (a). Eligibility for membership in the Union shall be restricted to employees covered by a collective negotiated agreement between this Union and their employer.
- (b). Terminated employees who are involved in investigations relating to wrongful termination maintain eligibility at the discretion of the Executive Board.
- (c). Staff who are hired by the President for the purposes of facilitating union business shall be considered members of the union and pay dues accordingly.
- (d). Laid off or furloughed workers maintain their eligibility and will see their dues obligations waived for the duration of their time out of work.

### **Section 2.2 - Duties of Membership**

- (a). Members must abide by the Union Constitution, and the laws, rules, regulations, policies, lawful orders and decisions of the Union.
- (b). Members shall refrain from conduct that would interfere with the performance of the Union's lawful and contractual obligations.
- (c). Members shall comply with and honor the provisions of contracts entered into between the Union and the Employer.
- (d). Members shall observe proper decorum in attending and participating in meetings and functions of the Union in accordance with such reasonable rules established by the Union and generally accepted by parliamentary rules of procedure pertaining to the conduct of meetings and functions.
- (e). No member shall use vulgar or profane language towards any officer or member of the Union or make any slanderous statements or accusations toward any member or officer of the Union.
- (f). No member shall engage in discrimination against a member or any other person having business with the union based on race, color, religion or creed,

national origin, age, disability, marital status, sex (including sexual harassment), sexual preference or orientation, gender identification or citizenship status.

(g). No member shall slander the Union or any officer or member thereof; attempt to cause secession by this Union; join an organization or Union antagonistic to the ideals of the Union; circulate false reports or gross and willful misrepresentations about the honesty of officers of Union; advocate or commit or incite an act or series of acts which would injure the best interests of the Union.

(h). Members shall not abuse or destroy Union property.

### **Section 2.3 - Eligibility to Hold Office**

(a). A candidate for office must be a member in good standing.

(b). A candidate for office must have at least ninety (90) days of aggregate experience in a role or job function that is currently covered by a collective bargaining agreement.

(c). To be eligible for office, a member shall be required to attend at least two (2) meetings preceding the nomination meeting.

## **Article 3 - The Executive Board**

### **Section 3.1 - Executive Officers**

- (a). The officers of this Union shall consist of a President, Vice President of Organizing, Vice President of Membership, Treasurer, and Secretary.
- (b). The officers of this Union, along with the elected chairpersons of each workers' committee, shall constitute an Executive Board.
- (c). All elected officers shall serve for a term of two (2) years.
- (d). All vacancies of elective officers including but not limited to, resignation, removal, expulsion, suspension or for any other reason shall be filled by appointment by the President subject to the eligibility requirements of Article 2 and such appointed officers shall serve in the office for the balance of the unexpired term.
- (e). The annual salary of Executive Board members shall be no more than the average salary of the membership.

### **Section 3.2 - Duties of President**

The President shall function as the chief executive officer of the Union and shall employ and direct all Union staff except as otherwise provided in this Constitution. The President shall establish the salary, expenses, allowances, and/or other remuneration of such employees and shall submit a report to the Executive Committee detailing the compensation of each employee. The Executive Committee shall ratify the compensation structure with such revisions as it sees fit. A copy of the report shall then be provided to Workers' Committee membership.

The President of the Union shall:

- (a) Preside at all regular and special meetings of the Union and its Executive Board.
- (b) Preside at all regular meetings of the Workers' Committees or allow the Vice President of Membership to act in their stead.

(c) Preserve order and enforce the Constitution and By-Laws of the Union.

(d) Be an ex-officio member of all committees, but shall have no vote at the meetings at which they preside.

(e) Have the authority to appoint special committees and direct union resources therewith, subject to approval by the Executive Board.

(f) Sign checks jointly with the Treasurer.

(g) Be at all times responsible to the Executive Board.

The laws of this Union, as contained in these By-Laws, shall be interpreted by the President. Their decisions thereon shall be binding upon all individual members subject to appeal to the Union's Executive Board within seven (7) days of a determination or decision by the President.

### **Section 3.3 - Duties of Vice President of Organizing**

The Vice-President of Organizing shall assist the President, and in their absence or when called upon, shall preside at general or special meetings. The Vice-President of Organizing shall succeed to the office of President if it becomes vacant.

The Vice-President of Organizing shall assist the President in all Union activities relating to organizing the unorganized, training and directing staff organizers, and mobilization of union membership towards service to the community.

### **Section 3.4 - Duties of Vice President of Membership**

The Vice-President of Membership shall assist the President, and in their absence or when called upon, shall preside at Workers' Committee meetings.

The Vice-President of Membership shall assist the President in all Union activities relating to engagement of rank-and-file membership, communication and interaction with organized workers, and the development of a culture of solidarity.

### **Section 3.5 - Duties of Treasurer**

The Treasurer shall be in charge of and preserve all monies, properties, securities, and other evidence of investment, books, documents, files and effects of the Union which shall at all times be subject to the inspection of the President and Executive Board and consistent with applicable law. The Treasurer shall deposit the funds of the Union in banks and institutions insured by a United States Government Agency in the name of this Union. The Treasurer may invest and expend the funds of the Union in accordance with these By-Laws and pursuant to the direction or resolution of the general membership or the Executive Board. The Treasurer shall be required to provide for an audit of all books, accounts, records, and financial transactions of the Union on an annual basis by an accredited and independent auditing firm.

### **Section 3.6 - Duties of Secretary**

The Secretary shall be responsible for all correspondence to and from the Union. The Secretary will be responsible for all recordkeeping and required filings of the Union.

The Secretary shall be responsible for the keeping of minutes and attendance from any Union meeting of the rank-and-file membership, Workers' Committees, or Executive Board.

## **Article 4 - Workers' Committees**

### **Section 4.1 - The Workers' Committee and its Duties**

Each distinct building or workforce shall form from its rank-and-file membership a committee of stewards known as the Workers' Committee. Membership on this committee should strive to represent workers from every department and shift cohort.

Duties of this committee shall include:

- (a). Discussing and voting on collective bargaining policy and strategy.
- (b). Developing contract demands.
- (c). Voting to bring forward a strike referendum.
- (d). Voting to revise any aspect of union spending.
- (e). Electing a Committee Chairperson to preside over meetings and serve on the Executive Board.
- (f). Electing a Negotiation Subcommittee.

A quorum of the worker's committee necessitates a majority of active Stewards.

### **Section 4.2 - Stewards**

- (a). Stewards shall be Union members in good standing elected by the membership. Stewards may be removed by the Executive board for cause, otherwise department coworkers may petition for their removal.
- (b). Petitions for removal of a Steward must demonstrate signatures from fifteen (15) percent of the workers in the department that Steward represents, or five (5) workers from that department, whichever is greater. In all other cases, a majority petition is sufficient. The petition will be provided to the Secretary, at which point the Executive Board will vote upon the question of removal.

(c). Stewards shall not be considered officers of the Union. Under no circumstances shall a Steward be permitted to receive or collect any moneys for or on behalf of the Union.

(d). Stewards are empowered to investigate and present grievances in accordance with the provisions of their collective bargaining agreements.

(e). The Stewards shall be empowered to transmit messages and information which shall originate with, and are authorized by the President of the Union, provided such messages and information, (i) have been reduced to writing, or (ii) if not reduced to writing, are of routine nature and do not involve work stoppages, slow downs, refusal to handle goods, or any other interference with the employer's business.

(f). The procedure for nominating and electing stewards shall be determined and facilitated by the Executive Board in accordance with the particular nuances of each department and workplace.

#### **Section 4.3 - Committee Chairperson**

(a). A Committee Chairperson shall be elected by the Workers' Committee through a plurality vote.

(b). The Committee Chairperson is elected for a term of one (1) year.

(c). A candidate for committee chairperson must be an appointed Steward in good standing, and have at least ninety (90) days of experience in the unit their Workers' Committee represents.

(d). It is the duty of the Committee Chairperson to call to order and preside over any meetings of the Workers' Committee.

(e). The Committee Chairperson shall act as a member of the Executive Board.



## **Article 5 - Nomination of Officers**

### **Section 5.1 - Nomination Procedure**

- (a). Nominations for the elective offices of the Union shall be held at a general membership meeting during the month of February every two (2) years.
- (b). Not less than thirty (30) days prior to the membership meeting at which nominations will be made, notice thereof shall be posted in every work location, if applicable, and be communicated via normal digital channels. Such notice shall list the offices and positions to be filled and the time and place of such meeting. The notice may also contain the date, time and place at which elections will be held if there are any contests. The notice shall also state that, if there are no contests, a formal election will not be necessary, and announcements of the officers elected by acclamation will be posted on bulletin boards on the premises of employers where union members are employed as well as by normal digital channels.
- (c). At the nomination meeting, a Judge of Elections shall be appointed by the President. The Judge of Elections shall not be candidate for office. The Judge of Elections shall possess all of the qualifications required of a candidate for office.
- (d). A member in good standing who meets the requirements of eligibility hereinbefore provided, may be nominated for office in the Union.
- (e). Nominations must be put forth by a member in good standing, and seconded by another member in good standing.
- (f). The member must be present to accept their nomination.
- (g). No member shall be eligible to be a candidate for office if the member is not nominated for said office.
- (h). Before nominations are closed, the Judge of Elections shall determine if any candidate is not eligible for office as hereinbefore provided.
- (i). The Judge of Elections shall prepare the official ballot, if there is a contest and an election is necessary. In the preparation of the official ballot, the Judge of Elections shall consult the Vice President of Membership and obtain from them

the list of candidates for each office or elective position; the official ballot shall then be prepared pursuant to said data, with the names of the candidates listed in the order in which they were nominated.

(j). In the event there is no contest for any office and the uncontested candidate for such office is found to be properly qualified, the Judge of Elections shall certify that there is no need for a secret ballot election with regard to said office and the nominee shall be declared duly elected.

(k). Any member who is notified in writing that they is ineligible to be a candidate for office by the Judges of Election, may, within seven (7) days after receipt of the notice, appeal the ruling to the Executive Board who shall decide such appeal within fourteen (14) days after receipt thereof. The decision of the Executive Board shall be made within sixty (60) days after receipt of the appeal, and the decision of the Executive Board shall be final.

## **Article 6 - Elections**

### **Section 6.1 - Election Procedure**

(a). The election of officers shall take place at a meeting of the organization following the month when nominations were made, but at least thirty (30) days following the date of the nomination meeting.

(b). Elections shall be by secret ballot among the members entitled to vote and the balloting shall be held at such places and at such times as may be determined by the Executive Board. No absentee ballots shall be permitted. Members will not be permitted to write in the names of persons who were not nominated.

(c). Adequate safeguards to insure a fair election shall be provided, including the right of any candidate to have an observer at the polls and at the counting of the ballots. Observers must be members of this Union.

(d). The votes cast for each candidate shall be counted separately and published separately to the membership. Publication may be in writing or orally, at or prior to, the regular membership meeting following the date of election. The ballots and other records pertaining to the election shall be preserved for at least one year.

(e). In the event that there is no contest for any office, then the Secretary shall declare that such nominee has been duly elected to office and no election shall be required as to that office.

### **Section 6.2 - Challenging Conduct or Results**

Any member who was entitled to vote may challenge the conduct or result of an election by writing a letter within seven (7) days of the election to the incumbent Secretary to such effect. Such letter must contain at least the following: (i) A statement to the effect that they was eligible to vote in the election; (ii) A statement showing whether they did or did not vote in the election; (iii) A statement indicating whether their challenge is directed to the conduct of the election or the results, or both; (iv) A statement showing whether their challenge is directed to all persons elected or to less than all; (v) If less than all, a specification of the ones subject to their challenge;

(vi) a full statement of all facts upon which they relies in support of their challenge; (vii) A full statement of how the facts upon which they relies may have affected the outcome of the election; and (viii) A full statement of the relief which they seeks.

Upon receipt of the letter referred to above, the incumbent Secretary shall promptly send a copy thereof to the incumbent President of the Union and request that the President, or a person or persons designated by the President, investigate the facts, hear the statements and contentions of all interested members, and render a decision in the matter. Any decision so rendered shall be final and binding upon this Union and all of its members.

## **Article 7 - Meetings**

### **Section 7.1 - General Membership Meetings**

General membership meetings shall be held at least four (4) times per year at a time and place determined by the President, but in no event less often than every four (4) months.

Special meetings of the members may be called by the President, and shall be called by the President upon written request of the majority of the Executive Board or upon written petition signed by ten (10) percent of the entire membership. The written petition for a special meeting shall state the purpose for such meeting. All members shall be notified of a special membership meeting by notice posted on regular places for Union notices on the premises where the Union members are employed and by normal digital means, at least five (5) days before the meeting. The notice shall state the date, time, place and purpose for the special meeting. No business shall be transacted at a special meeting other than that which is stated in the call of the meeting.

### **Section 7.2 - Worker's Committee Meetings**

Workers' Committee meetings should be held at least once per month at a time and place determined by the President. Fewer or more frequent meetings may be held at the discretion of the Executive Board.

## **Article 8 - Financial Aspects**

### **Section 8.1 - Dues**

Dues amounts and payment frequency will be democratically voted upon by the membership.

(a). In the period preceding the initial election, dues will amount to five (5) dollars every two (2) weeks.

(b). Within sixty (60) days following a successful election, the President will appoint a committee to reassess the dues structure and propose a new amount and frequency to be voted upon by the membership.

### **Section 8.2 - Handling and Distribution**

The Treasurer shall be the chief financial officer of the Union and shall receive and collect all monies now due the union, which monies shall be paid out only on the approval of the President. All checks shall be co-signed by the Treasurer and President.

### **Section 8.3 - Compensation**

Whenever a member of this organization loses time from work when engaged in activities on behalf of the Union, and suffers a loss of income as a result thereof, the member may be compensated for their loss and expenses, provided, however, the member must have been duly authorized to so serve and act and informed that they would be reimbursed in an amount which the Executive Board shall, in its sole discretion, agree upon. Provided, further, neither compensation nor expenses shall be paid for attending membership meetings.

### **Section 8.4 - Dissolution**

Upon dissolution of the Union, the Treasurer shall arrange for the timely payment of any and all outstanding bills and debt obligations due and owing by the Union. Should any funds remain in the treasury after the satisfaction of all outstanding bills and debt obligations, all such remaining assets shall be donated to a bona fide charity chosen by the members.

## **Article 9 - Charges and Grievances**

### **Section 9.1 - Basis for Charges**

The basis for charges against officers and members of this organization for which they shall be required to stand trial as hereinafter provided shall consist of one or more of the following:

- (a). Violation of any specific provisions of this Constitution and By-Laws or the failure to perform any of the duties specified hereunder.
- (b). Violation of the responsibilities of members of this organization as an institution.
- (c). Violation of the oath of office or membership.
- (d). Gross disloyalty or conduct unbecoming a member.
- (e). Gross negligence, inefficiency, nonfeasance, misfeasance, or malfeasance, which shall or threaten to hinder or impair the interests of the Union.
- (f). Misappropriation of union funds or property.
- (g). Scandalous, libelous, profane or vulgar abuse of a fellow member or officer by written or oral communication.
- (h). Abuse of a fellow member or officer in a union meeting place.
- (i). Engaging in activity which tends to bring the Union into disrepute.
- (j). Engaging in conduct or promoting activity which would interfere with the Union's enforcement of its lawful contractual obligations.
- (k). Engaging in conduct which would interfere with the proper conduct of business of the Union.
- (l). Failing to observe proper decorum in attending and participating in union meetings or functions in violation of reasonable rules established by the union

and generally accepted parliamentary rules of procedure pertaining to the conduct of meetings and functions.

(m). Committing or inspiring an act or series of acts which would injure the best interests of the Union.

### **Section 9.2 - Freedom of Deliberation and Assembly**

It is not intended that members be precluded from participating in any deliberations in an orderly manner, nor to meet and assemble freely with other members and to express any views, arguments or opinions; provided that such activities do not violate the responsibility of a member to the Union and the member's conduct does not interfere with the performance by the union of its legal and contractual obligations.



## **Article 10 - Trials and Appeals**

### **Section 10.1 - Fair Treatment**

Every member of this Union shall be entitled to fair, equal and impartial treatment in the application of its rules and laws and in the interpretation and application of its rules relating to offenses, trials and appeals. The fundamental principles of due process, notice, hearing and judgment shall be observed, without, however, requiring any technical formality such as is followed in courts of law and administrative bodies.

The provisions of this Article being guides for justice and fair play, to be administered by laboring men and women who are not trained in the law, deviations from these procedures which do not substantially affect substantive rights of the members shall not suffice to invalidate any of the charges, trials or appeals.

### **Section 10.2 - Filing of Charges**

When an officer or member in good standing prefers written charges against any other officer or member of the Union, the charges shall be in duplicate and be filed with the Secretary of the Union. The charges shall be signed by the person preferring the charges and shall specify the provisions of the constitution to be relied upon or the agreement or rules alleged to have been violated or must otherwise set forth the specific violations or wrongs charged and the approximate date on which it is alleged to have occurred.

The Secretary shall promptly notify the members of the Executive Board that charges have been filed and, after consultation with them, shall promptly set a date for a hearing and trial on said charges. Immediately thereafter, a copy of the charges shall be mailed to the accused, at their last known address. A written notice of the time and place where the hearing and trial will take place before the Trial Board, shall be mailed to the accused and to the charging party, not less than seven (7) days nor more than twenty (20) days before the date of said hearing and trial.

### **Section 10.3 - Trial Board**

The members of the Executive Board of the Union shall constitute the Trial Board; except that neither the charging party nor the accused nor any member directly interested or involved in the charges may sit as a member of the Trial Board.

(a). In such cases, the President of the Union shall appoint a substitute or substitutes from the members in good standing. If the President is to be disqualified, then the Vice-President shall appoint a substitute or substitutes and if they are also to be disqualified, then the substitute shall be appointed by the remaining trial Board members.

(b). Where the charging party or the accused makes a request for a delay, the Trial Board may grant a postponement, for good cause shown.

#### **Section 10.4 - Trial Procedure**

The hearing and trial shall be conducted in an orderly, fair and impartial manner and should assure the full presentation of all the facts to the Trial Board.

(a). The burden of proof shall be on the charging party. If the charging party fails to appear, the charges shall be dismissed. If the accused fails to appear, the Trial Board shall proceed with the hearing and receive all the facts and evidence available.

(b). The charging party shall first present whatever evidence they possess to substantiate their charges. The accused shall have the right to be present throughout the trial and to cross-examine the charging party and any of their witnesses upon completion of their testimony.

(c). After the evidence in support of the charges has been received, the accused shall present their defense. The charging party shall have the right to cross-examine the accused and any of their witnesses upon completion of their testimony.

(e). The Trial Board shall record minutes of its meetings and proceedings and these minutes, together with any documents submitted, shall constitute the official record of the Trial Board.

Upon conclusion of the hearings, the Trial Board shall consider all of the evidence and arguments submitted and proceed to make its findings and decision by majority vote. It shall prepare a report of said findings and decision, which shall be signed by all members of the Trial Board. The Secretary shall forthwith mail a copy of said report to the charging party and the accused at their last known addresses.

### **Section 10.5 - Decisions and Penalties**

The decisions and penalties imposed upon any member or officer found guilty of any of the charges as to which they have been tried, may consist of a reprimand, fine, suspension, removal from office, suspension, or expulsion from membership, or order to do or perform or refrain from doing or performing specific acts, or any combination thereof.

### **Section 10.6 - Exhaustion of Remedies**

No member shall bring or cause to be brought in any court, whether in law or equity, any action against the Union or their officers, representatives or employees, in any matter involving an issue arising out of or related to their membership, which is remediable within the framework of the Union Constitution without having first exhausted all of the remedies available under the aforesaid Constitution. Any member who violates this reasonable obligation, may, if found guilty after notice and hearing in accordance with the provisions of the Constitution, be suspended or expelled.

## **Article 11 - General Provisions**

### **Section 11.1 - Recordkeeping**

The Secretary shall keep all union records other than election records for a period of not less than five (5) years.

### **Section 11.2 - Election Influence**

No monies of the organization shall be used by the Union for the purpose of influencing or assisting the election in the Union of any union officer.

### **Section 11.3 - Political Contributions**

No monies of the organization shall be used by the Union to further any political figure, including campaign contributions or donations to political parties, organizations, or funds.

### **Section 11.4 - Political Endorsements**

No political endorsements may be made in the name of the Union as a whole. Individual officers or members may privately endorse political candidates at their own discretion. Section 11.3 No loans shall be made from the Union treasury to any business enterprise.

### **Section 11.5 - Liability**

The opinion of any attorney, accountant, or other professional consultant or expert hired pursuant to this Constitution shall be full and complete authority and protection with respect to any action taken, suffered or omitted by the Executive Board or any member thereof in good faith and in accordance with such opinion. Except for actions taken in bad faith, or constituting willful misconduct, the Executive Board, shall not be liable to any person or organization, for any action or omission by the Executive Board or any member in effectuation of the purposes and objects of this Constitution, and the interests of the members of this organization.

## **Article 12 - Amendments**

### **Section 12.1 - Amendment Procedure**

The within Constitution and By-Laws may be amended by the following procedure:

1. Any proposed amendment must be in writing and signed by any twenty (20) members in good standing and be submitted to the Secretary no later than sixty (60) days prior to the general or special meeting at which the proposed amendment will be acted upon.
2. The Secretary shall forthwith refer the proposed amendments to the members of the Executive Board of the Union.
3. The Executive Board shall discuss the proposed amendments at its next special or regular Board meeting.
4. The Executive Board shall take a vote on the proposed amendment and determine whether or not a majority are in favor thereof.
5. The Executive Board shall notify the Secretary of its vote either in favor of or against the proposed amendment and may accompany the result of their vote with a memorandum in support of the vote of acceptance or rejection.
6. The Secretary shall provide notices to be posted on all bulletin boards and places for union notices on the premises where union members are employed, notifying members of the proposed amendments, the vote of acceptance or rejection by the Executive Board and copies of the Executive Board's memorandum in support of its vote, together with notice of time and place of the general or special meeting at which the proposed amendments will be acted upon by the members in general or sectional meetings.
7. If the Executive Board votes in favor of adoption of the proposed amendments as provided for in (4) above, it shall require only a majority of the total vote cast by the members for the adoption of said proposed amendment. If the Executive Board votes against adoption of the proposed amendment, it shall require two-thirds (2/3) of the total votes cast by the members for adoption of the proposed amendment.

### **Article 13 - Savings Clause**

If any provision of the within Constitution and By-Laws is held to be invalid by operation of law or by any competent authority or tribunal, the remainder of the Constitution or the application of such provision to persons or circumstances other than those as to which it has been held illegal or invalid shall not be affected thereby.

If any provisions of this Constitution shall be found or declared to be illegal, invalid or inoperative, by any competent authority of the legislative, executive, judicial or administrative branch of a Federal, State or provincial government, the Executive Board is empowered to substitute during the period of its invalidity a provision which will meet the objections to its invalidity and which will be consistent with the intent and purpose of the invalid provision.

**Leadership Provision Antecedent to Initial Representation Election**

In the period immediately preceding the Certification of Results of the first Representation Election to be conducted by the NLRB concerning the AMAZON LABOR UNION, the following provision applies:

Interim leadership shall be elected by the general membership. Executive Board positions shall be accessible to candidates, and any member elected to these positions shall hold office until the conclusion of the first Representation Election.